

**REAL ESTATE BOARD
MINUTES
AUGUST 25, 2005**

PRESENT: Richard A. Kollmansberger, Peter Sveum, Maria Watts (via telephone),
Lloyd Levin, and Lisabeth Weirich

EXCUSED: Dennis Pierce

STAFF PRESENT: Kimberly Nania, Division Administrator of Board Services; William
Black, Legal Counsel; Pat Schenck, Program Assistant; and Division of
Enforcement Staff

GUESTS: Rick Staff WRA
Jay Reifert, Director of Operations, Real-Reform

CALL TO ORDER

Richard Kollmansberger, Chair, called the meeting to order at 10:5 a.m. A quorum of five members was present.

ADOPTION OF AGENDA

Additions to Agenda:

- Remove case 04 REB 224 from Item 10. b.
- Add Dissolution of RE Forms to Item 5 d.
- Item # 15 – change date to read October 27, 2005
- Change item 6. a. “effective date July 1, 2005”

MOTION: Lloyd Levin, moved, seconded by Maria Watts, to adopt the agenda with additions. Motion carried unanimously.

APPROVAL OF MINUTES JUNE 23, 2005

MOTION: Peter Sveum moved, seconded by Maria Watts, to approve the minutes of June 23, 2005 as written. Motion carried unanimously.

**PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF
ENFORCEMENT**

There were no presentations of proposed stipulations by the Division of Enforcement in the following matters.

- Connie F. Antoniewicz (03 REB 187)
- Mark D. Brown and M.D. Brown Real Estate Inc. (02 REB 074)
- Marjorie Garbisch (05 REB 072)

- James B. Haldeman & Re/Max Homes & Hills Realty Inc. (04 REB 255)
- Integrity Group LLC, dba Century 21 Integrity Group and Christopher P. Nash (04 REB 149)

ADMINISTRATIVE REPORT – ROXANNE PETERSON

Secretary Celia Jackson greeted the Board and stated that the Department was working with the Realtors Association regarding pending legislation on Ch. 452. Secretary Jackson reported on the building renovation project and stated the Department will be moving into the new space in October.

Board Roster

Noted.

2006 Board Meeting and Screening Dates

MOTION: Lloyd Levin moved, seconded by Maria Watts, to approve the 2006 meeting and screening dates as scheduled. Motion carried unanimously.

Summary Reports on Pending Court Cases, Disciplinary Cases, Administrative Rules and Legislation

Noted.

Dissolution of RE Forms

Dr. Nania reported that the Real Estate Forms Committee has been dissolved.

ADMINISTRATIVE RULES

RL 17 - Supervision by Real Estate Brokers

Mr. Black reported that the RL 17 supervision rule became effective on July 1, 2005.

Criminal Background Investigations and Fingerprinting of Applicants

Mr. Black reported on RL 4 criminal background investigations and fingerprinting of applicants, which became effective on June 1, 2005. Additional background checks are now available for warranted situations.

REVIEW AND DISCUSSION OF PROPOSED CH. 452 REWRITE

Mr. Black reported on version 4 of the proposed changes to draft LRB-1387/4 and stated that the Department indicated there might be some additional changes from a consumer protection standpoint.

The Board will review the new draft and forward their comments to Mr. Black. The Board suggested having a meeting in September devoted to rewriting Chapter 452 with Mr. Black.

Jay Reifert addressed the Board with opposing comments regarding the rewrite of Chapter 452. Mr. Reifert distributed documents for the Boards review for consideration in rewriting Chapter 452.

STRATEGIC PLANNING SESSION DURING THE 10/27/05 BOARD MEETING

The Board discussed strategic planning session items for discussion on October 27, 2005.

- Training program for new Board members
- Education – 2006 Curriculum
- Practice Questions
 - Seller/listing
 - Buyer/contracts
 - Representation issues
 - Cooperation issues
 - Communication issues
 - Team concept and responsibilities
- Commercial Issues
 - Industrial
 - Multi-family transactions
- Explanation of Screening Process – what triggers an investigation?

The Board will forward additional strategic planning items to Roxanne Peterson.

PRACTICE QUESTIONS

None.

CLOSED SESSION

MOTION: Peter Sveum moved, seconded by Maria Watts, to convene to Closed Session to deliberate on cases involving hearings (s. 19.85 (11) (a), Stats.); to consider licensure or discipline (s. 19.85(1) (b), Stats. to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.); and to confer with legal counsel (s. 19.85(1) (g), Stats.). Motion carried by roll call vote: Richard A. Kollmansberger-yes; Peter Sveum-yes; Maria Watts-yes; Lloyd Levin-yes; and Lisabeth Weirich.

Open session recessed at 10:44 a.m.

RECONVENE TO OPEN SESSION

MOTION: Peter Sveum moved, seconded by Lisabeth Weirich, to reconvene into Open Session at 12:25 p.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MONITORING REPORT

THOMAS WARMINGTON

MOTION: Peter Sveum moved, seconded by Lisabeth Weirich, to grant reinstatement of Thomas Warmington's request for full licensure as a real estate broker in the State of Wisconsin. Motion carried unanimously.

HELEN PATENAUDE

MOTION: Lisabeth Weirich moved, seconded by Peter Sveum, deny Helen Patenaude's request for reinstatement of her license as a real estate broker. Motion carried unanimously.

CASE CLOSINGS

MOTION: Lloyd Levin moved, seconded by Maria Watts, to close the following cases: Motion carried unanimously.

03 REB 004 for insufficient evidence

03 REB 114 for insufficient evidence for Stevens and Sebold

03 REB 114 for prosecutorial discretion (P2) for Mirror Lake

03 REB 162 for insufficient evidence

03 REB 265 for insufficient evidence

03 REB 267 for prosecutorial discretion (P2)

04 REB 035 for no violation

04 REB 041 for insufficient evidence

04 REB 054 for prosecutorial discretion (P4)

04 REB 066 for no violation

04 REB 196 for prosecutorial discretion (P3)

03 REB 027 administrative closure

STIPULATIONS

CONNIE F. ANTONIEWICZ (03 REB 187)

MOTION: Peter Sveum moved, seconded by Lloyd Levin, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Connie F. Antoniewicz (03 REB 187)**. Motion carried unanimously.

MARK D. BROWN AND M.D. BROWN REAL ESTATE INC. (02 REB 074)

MOTION: Peter Sveum moved, seconded by Lloyd Levin, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Mark D. Brown And M.D. Brown Real Estate Inc. (02 REB 074)**. Motion carried unanimously.

MARJORIE GARBISCH (05 REB 072)

MOTION: Peter Sveum moved, seconded by Lloyd Levin, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Marjorie Garbisch (05 REB 072)**. Motion carried unanimously.

JAMES B. HALDEMAN & RE/MAX HOMES & HILLS REALTY INC. (04 REB 255)

MOTION: Peter Sveum moved, seconded by Lloyd Levin, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **James B. Haldeman & Re/Max Homes & Hills Realty Inc. (04 REB 255)**. Motion carried unanimously.

INTEGRITY GROUP LLC, DBA CENTURY 21 INTEGRITY GROUP AND CHRISTOPHER P. NASH (04 REB 149)

MOTION: Peter Sveum moved, seconded by Lloyd Levin, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Integrity Group LLC, dba Century 21 Integrity Group and Christopher P. Nash (04 REB 149)**. Motion carried unanimously.

ORDER FIXING COSTS

DALE W. MUSTAS

MOTION: Peter Sveum moved, seconded by Lisabeth Weirich, to adopt the Order Fixing Costs in the matter concerning **Dale W. Mustas LS0410071REB**. Motion carried unanimously.

ADMINISTRATIVE WARNINGS

JON E. HAGEN 04 REB 094

MOTION: Peter Sveum moved, seconded by Maria Watts, to deny the administrative warning as written and refer John E. Hagen back to the Division of Enforcement. Motion carried unanimously.

SUCH OTHER ITEMS AS AUTHORIZED BY LAW

None.

Agenda Items for October 27, 2005

- Strategic Planning Session
- John Schweitzer – Boards position on licensees failure to renew their license. See memo for Oct meeting from John Schweitzer
- Cell phones

ADJOURNMENT

MOTION: Peter Sveum moved, seconded by Maria Watts, to adjourn the meeting at 12:35 a.m. Motion carried unanimously.